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10/586,937	07/24/2006	Gerard Hollemann	BA1525-232/08252	5408
24118	7590	06/24/2009	EXAMINER	
HEAD, JOHNSON & KACHIGIAN			DANG, HUNO Q	
228 W 17TH PLACE			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,937	<b>Applicant(s)</b> HOLLEMAN, GERARD
	<b>Examiner</b> Hung Q. Dang	<b>Art Unit</b> 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 July 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 24 July 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 07/24/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2 and 4-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al. (US 2002/0163532).**

Regarding claim 1, Thomas et al. disclose a method of replaying a media stream from a previous location in the media stream ([0005]-[0007]; [0009]-[0010]), the method comprising replaying the media stream from a selected one of a number of previously identified content changes in the media stream ([0005]-[0007]; [0009]-[0010]), the content changes comprising prior speech breaks in the media stream ([0005]-[0007]; [0079]).

Regarding claim 2, Thomas et al. also disclose wherein the media stream is a video stream and the previously identified content changes further comprise at least one of shot cuts and changes of motion ([0020]; [0072]; [0075]; [0084]).

Regarding claim 4, Thomas et al. also disclose receiving a control command used to select the one previous content change in the media stream from which to replay ([0010]).

Regarding claim 5, Thomas et al. also disclose the control command comprises a number m of input signals, the m input signals used to select the mth previous content change in the media stream from which to commence replay ([0006] – *scrolling through in sequence*).

Regarding claim 6, Thomas et al. also disclose the control command used to select the one content change from which to replay is processed based on prior control commands received ([0010]).

Regarding claim 7, Thomas et al. also disclose the control command received is generated by at least one of a manual input, a voice input and a gesture recognition ([0010]).

Regarding claim 8, Thomas et al. also disclose identifying and storing the locations of the prior content changes in real time while the media stream is playing ([0009]; [0020]; [0021]), the replaying of the media stream from the selected prior content change utilizing the stored location corresponding to the selected content change ([0006]; [0010]).

Regarding claim 9, Thomas et al. also disclose identifying the locations of prior content changes in the media stream from data included in the media stream ([0034]-[0035]; [0102]; [0103]), the replaying of the media stream from the selected prior content change utilizing the location of the selected content change included in the media stream ([0034]-[0035]; [0006]; [0010]).

Regarding claim 10, Thomas et al. also disclose generating the media stream from at least one of a magnetic tape, an optical disc, a server and a hard drive ([0020]).

Regarding claim 11, Thomas et al. also disclose receiving the media stream from an external source ([0020]; [0022]).

Regarding claim 12, Thomas et al. also disclose recording the received media stream and replaying from the recorded media stream ([0020]).

Regarding claim 13, Thomas et al. also disclose wherein the replaying of the media stream from a selected one of a number of previously identified content changes in the media stream is a function of the type of content change ([0005]-[0007]; [0009]-[0010]).

Regarding claim 14, Thomas et al. disclose a method of replaying a digital media stream from a location in the media stream prior to the current play position T of the media stream ([0005]-[0007]; [0009]-[0010]), the method comprising the steps of: a) detecting content change locations ([0005]-[0007]; [0009]-[0010]) in real-time as the media stream plays ([0020]); b) storing at least a number of the closest change locations detected prior to play position T ([0020]); c) receiving one or more input signals comprising a number m ([0006]; [0010]); d) retrieving from memory the nth

closest change location prior to position T in the media stream ([0006]; [0010]); and e) replaying the media stream from the mth closest change location to T in the media stream ([0006]; [0010]).

Regarding claim 15, Thomas et al. also disclose wherein the media stream is at least one of an audio stream and a video stream ([0005]; [0010]).

Regarding claim 16, Thomas et al. also disclose wherein the change locations are comprised of speech break locations in the media stream ([0005]-[0007]; [0079]).

Regarding claim 17, Thomas et al. also disclose wherein the media stream is a video stream and the change locations are further comprised of at least one of shot cut locations and change of motion locations ([0020]; [0072]; [0075]; [0084]).

Regarding claim 18, Thomas et al. disclose a system that replays a media stream from a previous location in the media stream (Figs. 2; [0005]-[0007]; [0009]-[0010]), the system having a processor and a memory (Figs. 2), the processor receiving one or more input signals selecting one of a number of previously identified content changes in the media stream ([0006]; [0010]; [0005];[0007]; [0009]), the processor further retrieving from memory a location corresponding to the selected content change and activating replay of the media stream from the selected change location ([0006]; [0010]), wherein the content changes identified comprise prior speech breaks in the media stream ([0005]-[0007]; [0079]).

Regarding claim 19, Thomas et al. also disclose wherein the processor further identifies the content changes in the media stream and stores their locations as the media stream plays ([0020]; [0005]-[0007]; [0009]-[0010]).

Regarding claim 20, Thomas et al. also disclose wherein the system further generates the media stream ([0020]).

Regarding claim 21, Thomas et al. also disclose wherein the system further receives the media stream and records the media stream ([0020]).

Regarding claim 22, wherein the system is comprised of a single device that houses the processor and memory, receives the input signals, and activates the replay (Figs. 2; [0006]; [0010]; [0104]; [0105]).

Regarding claim 23, Thomas et al. also disclose wherein the device is one of a VCR, a CD player, a DVD player, and a PC ([0020]).

Claim 24 is rejected for the same reason as discussed in claim 14 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (US 2002/0163532) as applied to claims 1-2 and 4-24 above, and further in view of Zhang (US 2003/0112261).**

Regarding claim 3, see the teachings of Thomas et al. as discussed in claim 1 above. Further, Thomas et al. also disclose the prior speech breaks comprise commencement of speech and end of speech ([0007]). However, Thomas et al. do not

disclose content change comprises commencement of speech after a relative period of silence in the media stream.

Zhang discloses detecting content change comprises commencement of audio after a relative period of silence in the media stream (Fig. 5; [0084]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Zhang into the method disclosed by Thomas et al. to enhance the options of detecting scene changes in the video data.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621